

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**PHARMEDIUM SERVICES, LLC**

**and**

**Case 15-CA-143030  
15-CA-144416**

**SHEILA REED**

**and**

**15-CA-144181**

**RHONDA CRAYTON**

**ORDER**

The Employer's petition to revoke or revoke in part and/or modify subpoena ad testificandum A-1-STB0ZN is denied. The subpoena seeks information relevant to the matter under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. See *Postal Workers Local 64 (USPS)*, 340 NLRB 912 (2003); *Offshore Mariners United*, 338 NLRB 745 (2002).<sup>1</sup> Further, the Employer has failed to

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<sup>1</sup> The disposition of the Employer's petition is consistent with existing Board law as reflected in *Postal Workers* and *Offshore Mariners*, which find subpoenas identifying the case name and number to be sufficiently particular.

Member Miscimarra agrees that the Region has described with sufficient particularity the evidence sought from Laboratory Manager Keri Kjellin. The Employer's brief and exhibits in support of its petition demonstrate that the Region (1) attached to the subpoena a copy of the three charges upon which the subpoena is based (the amended charges in Cases 15-CA-144181 and 15-CA-143030, and the charge in Case 15-CA-144416), and (2) in a cover letter to Employer's counsel, explained which allegations will be the focus of the testimony it seeks, indicating that the general subject areas that Ms. Kjellin would be asked about included, among others, the circumstances that led the Employer to, as well as the decision to, take the actions alleged as unfair labor practices. In the view of Member Miscimarra, however, the subpoena itself should describe with reasonable particularity the general topic(s) or issue(s) that would be the subject of subpoenaed testimony or other evidence. See Sec. 11(1) of the Act; Sec. 102.31(b) of the Board's Rules. Member Miscimarra believes the requirement of "particularity" requires more than merely giving the case name and number of the proceeding in which the subpoena has been issued. He also notes that the Board has

establish any other legal basis for revoking the subpoena. See generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., November 2, 2016.

MARK GASTON PEARCE,	CHAIRMAN
PHILIP A. MISCIMARRA,	MEMBER
LAUREN McFERRAN,	MEMBER

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moved in the direction of providing substantially more detail in remedial notices, for example, to “facilitate a better understanding,” including hyperlinks and QR codes providing direct electronic access to the Board’s decision(s). Cf. *Durham School Services LP*, 360 NLRB No. 85 (2014). Although subpoenas serve a different purpose, Member Miscimarra believes subpoenas should provide fair notice to recipients regarding the topic(s) or issue(s) deemed relevant to the testimony or other evidence being sought.